



MILPITAS PLANNING COMMISSION STAFF REPORT

MAY 11, 2016

APPLICATION:

730-750 E. Capitol Avenue – Environmental Assessment No. EA16-0002 and Site Development Permit No. SD15-0014 – Request for a Site Development Permit for the construction of two multi-story mixed use apartment buildings containing a total of 582 units (730 E. Capitol: 5 stories, 266 units; 750 E. Capitol: 5 stories, 316 units), approximately 5,000 square feet of ground floor commercial space and related site improvements on 9.38 acres.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 16-018 recommending that the City Council approve Environmental Assessment No. EA16-0002 and Site Development Permit No. SD15-0014, subject to the attached Conditions of Approval.

LOCATION:

Address/APN:
Area of City:

730-750 E. Capitol Avenue (APN 086-37-015, -026, -027)
Transit Area Specific Plan (TASP)

PEOPLE:

Project Applicant:
Consultant(s):

Rachel Green, Anton Development Company, LLC
Carlson, Barbee & Gibson, Inc., Civil Engineer
Architects Orange, Project Architect
Cornerstone Earth Group, Soils Engineer
MJS Design Group, Landscape Architect
Candela, Lighting Consultant

Property Owner:
Project Planner:

Anton Development Company, LLC
Mike Moore, MIG, Inc., Contract Planner

LAND USE:

General Plan Designation:
Zoning District:
Overlay District:
Specific Plan:
Site Area:

Very High Density Transit Oriented Residential (RS-TOD)
Urban Residential (R5)
Transit Oriented Development (TOD)
Transit Area Specific Plan (TASP)
9.38 acres

ENVIRONMENTAL:

Environmental Assessment No. EA16-0002: 730 and 750 E. Capitol Avenue Project is covered under the scope of activities approved under the Transit Area Specific Plan

Environmental Impact Report (“EIR”), (SCH#2006032091), which was certified by the Milpitas City Council on June 3, 2008. Pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15168, the 730 and 750 E. Capitol Avenue Project is therefore exempt from further review under CEQA.

EXECUTIVE SUMMARY

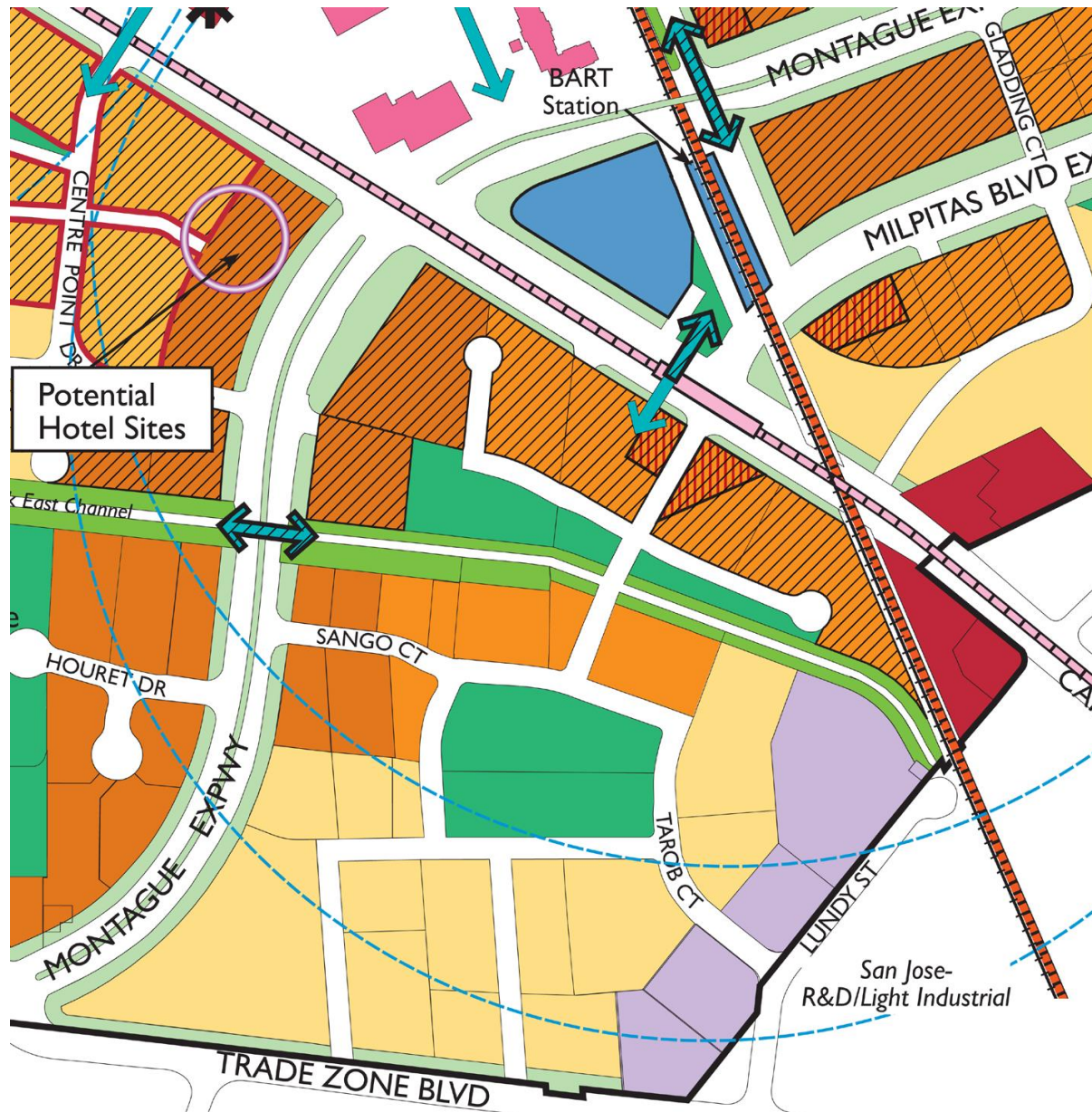
The proposed project includes an entitlement request for the construction of two 5-story apartment structures containing a total of 582 units and approximately 5,000 square feet of ground floor commercial space. The building at 730 E. Capitol Avenue is proposed to have 266 residential units and 1,800 square feet of ground floor neighborhood retail space. The building at 750 E. Capitol is proposed to have 316 units and 3,200 square feet of ground floor neighborhood retail. Parking would be provided onsite in each building. 730 E. Capitol will have a six level parking structure containing 385 vehicle parking spaces and 105 bicycle parking spaces. 750 E. Capitol will have 487 vehicle parking spaces on seven levels, as well as 130 bicycle parking spaces. The project also includes a variety of site improvements including the extension of Milpitas Boulevard; streetscape and landscape improvements along Capitol Avenue, the Milpitas Boulevard Extension and new public street connection from the adjacent Lennar project; a public park with pedestrian and bicycle paths along Penitencia Creek; and stormwater treatment, utility, grading and other associated site improvements. The applicant also proposes to construct a roof top swimming pool on each of the two proposed buildings.

Although a Site Development Permit can be approved by the Planning Commission, the applicant has proposed roof-top deck swimming pools for each building. Pursuant to the City’s Water Urgency Ordinance, the City Council must approve an exception to the prohibition on new swimming pools. As such, the applicant’s inclusion of new swimming pools for the project triggers the concurrent review section of the zoning ordinance (XI-10-64.03 - Consideration of Concurrent Applications), and the entire application, including the Site Development Permit, will need to be reviewed and approved by the City Council.

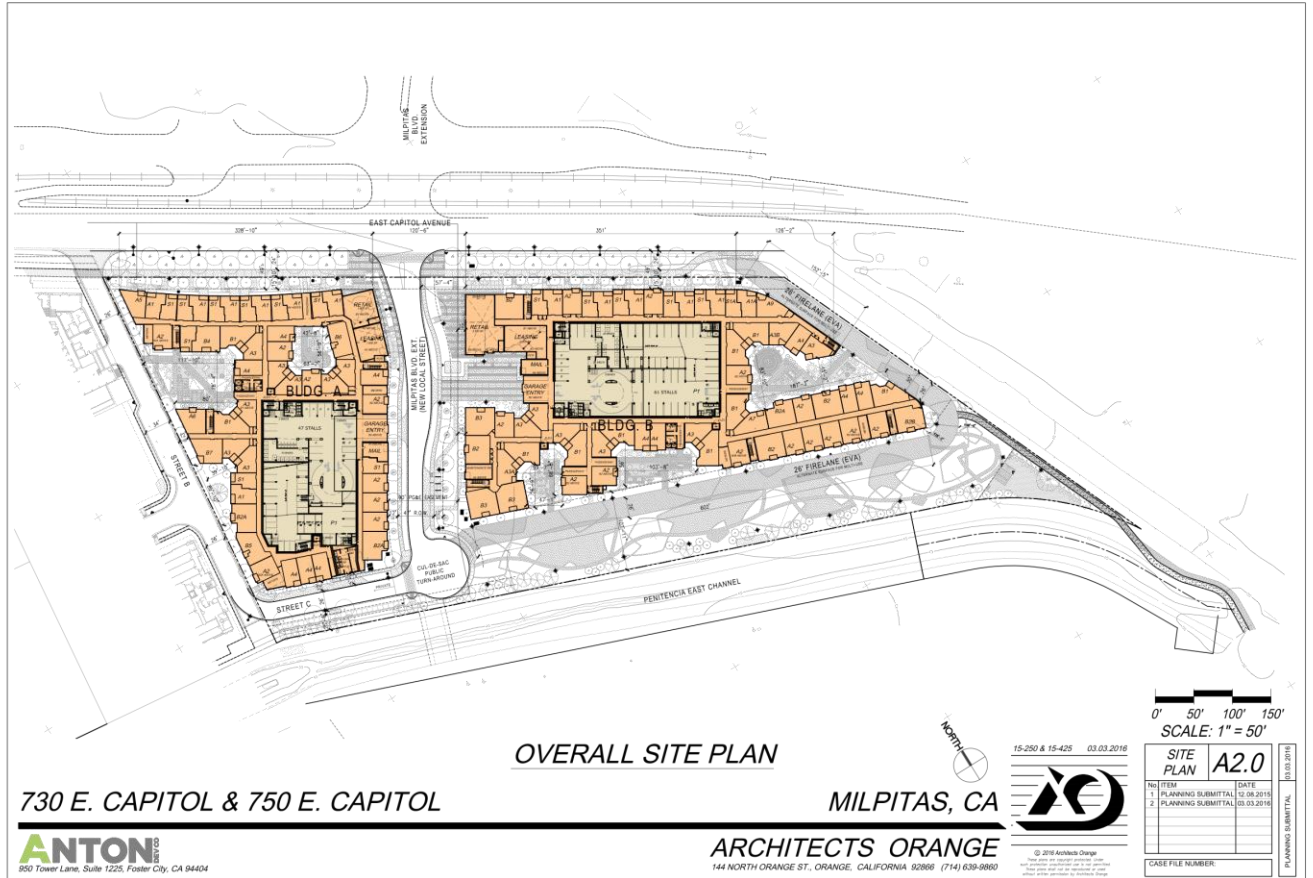
Map 1
Project Location



Map 2
Transit Area Specific Plan
Trade Zone/Montague Sub-Area



Map 3 **Site Plan**



BACKGROUND

History

On June 3, 2008, the City Council adopted the Transit Area Specific Plan. The Plan encompasses 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial park space, and 350 hotel rooms. The plan includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The proposed project is within the Trade Zone/Montague subdistrict of the Transit Area Specific Plan. The subdistrict is located near the future BART station and the VTA light rail line. For the subdistrict, the Plan envisions high-density residential neighborhoods near transit and trails along Penitencia Creek.

The Application

The following is a summary of the applicant's request:

- *Site Development Permit:* To evaluate the site layout and architecture for the project.
- An exception to the City's Water Urgency Ordinance to permit construction of two swimming pools.

PROJECT DESCRIPTION

Overview

The proposed project includes an entitlement request for the construction of two 5-story apartment structures containing a total of 582 units and approximately 5,000 square feet of ground floor commercial space. The building at 730 E. Capitol Avenue is proposed to have 266 residential units and 1,800 square feet of ground floor neighborhood retail space. The building at 750 E. Capitol is proposed to have 316 units and 3,200 square feet of ground floor neighborhood retail. Parking would be provided onsite in each building. Page 3-12 of the TASP describes "Active Ground Floor Commercial Uses" as "a minimum of 5,000 square feet of commercial uses is required at the ground floor of building(s) built on the property."

730 E. Capitol will have a six level parking structure containing 385 vehicle parking spaces and 105 bicycle parking spaces. 750 E. Capitol will have 487 vehicle parking spaces on seven levels, as well as 130 bicycle parking spaces. The project also includes a variety of site improvements including the extension of Milpitas Boulevard; streetscape and landscape improvements along Capitol Avenue, the Milpitas Boulevard Extension and new public street connection from the adjacent Lennar project; a public park with pedestrian and bicycle paths along Penitencia Creek; and stormwater treatment, utility, grading and other associated site improvements.

Location and Context

The site contains 9.38 acres and is located southeasterly of the intersection of Montague Expressway and Capitol Avenue. The project site is zoned Urban Residential (R5). The project site has a Transit Oriented Development (-TOD) Overlay focusing on site design and

connectivity to nearby transit nodes. The site is currently developed with industrial buildings, which would be demolished to accommodate the proposed project. Surrounding the subject property are developed and currently-developing parcels. To the north is the VTA line and the future BART station. To the south of the project site is a small area of general commercial and existing industrial (to remain as such), the Milpitas/San Jose city limits and single-family residential in the City of San Jose. To the east and west are properties slated for very high and high density transit oriented residential (including the immediately adjacent and approved Lennar project) pursuant to the TASP.

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan Conformance

The table below outlines the project's consistency with applicable General Plan Land Use Guiding Principles and Implementing Policies:

Table 4
General Plan Consistency

Policy	Consistency Finding
<i>2.a 1-31: Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.</i>	Consistent: The proposed Project is consistent with this policy because it includes two attractive contemporary multi-story structures with 582 residential units in proximity to the VTA line and future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Trade Zone/Montague subdistrict with connections to the BART and Light Rail transportation hubs, as well as nearby networks in the city of San Jose.
<i>2.a 1-32: Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.</i>	Consistent: The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines and requirements contained in the Transit Area Specific Plan. The project meets all guidelines and requirements of the Transit Area Specific Plan including block size, building setbacks and height, floor area ratio and density, parking, open space and landscaping. It also meets the requirements for access and circulation.

Zoning Conformance

The site contains 9.38 acres zoned Urban Residential-Transit Oriented Development (R5-TOD) (minimum 41 / maximum 75 units per acre; up to 25% density increase with Use

Permit). Other development standards, including density, are described in the Transit Area Specific Plan section below.

Transit Area Specific Plan

As addressed in more detail, below, the proposed project's land use, site layout and design, street layout and street sections are consistent with applicable development and design standards and policies of the Transit Area Specific Plan and Trade Zone/Montague subdistrict and are set forth in the attached Resolution #16-XXX.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Urban Residential Transit Oriented Development (R5-TOD) zoning district:

Table 1:
Summary of Development Standards
(Source: Tables 5-1 and 5-3 (Parking), TASP)

R5-TOD	Standard	Proposed	Complies?
<u>Setbacks (Minimum)</u> Capitol Avenue	24-foot planting strip 10-foot sidewalk 15-foot setback from sidewalk <u>49 feet total</u>	24 feet 10 feet 15 feet 49 feet	Yes
<u>Other Street-Facing Setbacks</u>	12-20 feet from back of sidewalk	12 feet along “Street B” and “Street C”; 12 feet along Milpitas Blvd. Extension	Yes
<u>Setbacks Adjacent to Creeks or Drainage Channels</u>	30 feet	102 feet along East Penitencia Creek Channel	Yes
<u>Special Conditions</u>	30 feet from BART; minimum 20 feet landscaped	30 feet from BART: 26 foot wide sodded turf block emergency vehicle access	Yes
<u>Density (Units/Acre)</u>	41-75 du/ac; up to 25% density increase with CUP	61.83 du/ac; no density increase requested	Yes

R5-TOD	Standard	Proposed	Complies?
<u>Building Height</u> (Maximum)	12 stories / 75 feet along Capitol Avenue	65'	Yes
<u>Neighborhood Retail</u>	5,000 square feet (“at the ground floor of building(s) built on the property”)	5,000 square feet: 1,800 in Bldg. A; 3,200 in Bldg. B	Yes
<u>Parking Structure Location</u>	Parking must not be visible from streets. At least 70 percent of street facing perimeter wrapped with habitable space	Parking structures of both buildings wrapped by habitable space and not visible from streets	Yes
<u>Parking Minimums</u> (See Table 3, below)	Studio: 0.8 spaces/unit 1-Bedroom: 1.2 2-3 Bedroom: 1.6 Guest: 0.15 Retail: 3/1,000 sq. ft.	Studio: 0.8 spaces/unit 1-Bedroom: 1.2 2-3 Bedroom: 1.6 Guest: 0.15 Retail: 3/1,000 sq. ft.	Yes
<u>Bicycle Parking</u> (See Table 3, below)	1 space/4 housing units for residential uses without private garages, plus 5% of the total vehicular parking requirement, respectively, for guests and retail uses.	1 space/4 housing units for residential uses without private garages, plus 5% of the total vehicular parking requirement, respectively, for guests and retail uses.	Yes

Site & Architectural Design

The project is subject to the Design Guidelines of the TASP (TASP, Appendix A). The Site Development Permit considers the site layout, compliance with various development standards and the architectural design of the buildings.

Site Layout

Chapter 4 of the TASP provides development policies for the individual plan subdistricts. A number of the policies set forth for the Trade Zone – Montague subdistrict pertain to the site layout, and include considerations such as:

Policy 4.43 (TR-M): Create a new street that aligns with the Milpitas Boulevard Extension with a traffic signal that allows left and right turns from Capitol Avenue.

As can be seen on the Site Plan, the project proposes to construct an extension of Milpitas Boulevard from Capitol Avenue to Penitencia Creek. Applicant will install a traffic signal to provide for the required left and right turns from Capitol Avenue.

Policy 4.44 (TR-M): Create an interior street parallel to Capitol Avenue.

The project fulfills this direction by planning for a new Street C, which will run roughly parallel to Capitol Avenue and intersect with the expansion of Milpitas Boulevard.

Policy 4.45 (TR-M): Do not locate curb cuts for driveway or garage access on Capitol Avenue.

No vehicular access is planned along Capitol Avenue from the buildings. A single vehicular access is provided to the respective parking garages for the 730 and 750 E. Capitol buildings from the proposed Milpitas Boulevard extension through the project, allowing the project to present front residential and commercial facades along Capitol Avenue and the new public streets (identified as Street “B” and Street “C” on the project site plan) to be constructed as part of this project and the adjacent project at 450 Montague Expressway.

Street Setbacks

The Transit Area Specific Plan (TASP) includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees, landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. Along the Capitol Avenue frontage, the project has a 15-foot landscaped setback; a 10-foot sidewalk and 24-foot planting area, as required by Figure 5-11, the Capitol Avenue-Milpitas Boulevard cross section, of the TASP.

Height

The maximum building height in the zone is 75 feet. The height of each of the two proposed structures is 65 feet.

Block Dimensions

The Transit Area Specific Plan indicates a 500-foot maximum distance between publicly accessible paths of travel for a block. Along Capitol Avenue, the longest block dimension between publicly accessible paths of travel is 473 feet and along the Milpitas Boulevard Extension, the longest block dimension is 410 feet. Table 5-1 of the TASP also establishes a “block size” minimum (2 acres) and a maximum (4 acres). The “block” on which 730 E. Capitol (Building “A”) is situated is 2.88 acres and bounded by Capitol Avenue, Milpitas Boulevard Extension, Street “B” (on the adjacent Lennar property) and Street “C”. The 750 E. Capitol (Building “B”) block is 3.55 acres and bounded by Capitol Avenue, Milpitas Boulevard Extension, Penitencia Creek and the BART line.

Architecture and Massing

The project presents a contemporary style using wood, metal and glass panels with metal detailing. Variations in the building colors, materials and planes and protruding balconies provide architectural interest and avoid a boxy appearance. The multi-story parking areas of

each building are integrated into the design of the respective structures, are not visible from public views and minimize potential pedestrian vehicle conflicts. The project conforms to the Transit Area design guidelines, which require a vertical orientation of commercial and residential uses, orientation of buildings to the street, well-articulated exterior walls with consistent style and materials, muted colors for primary building walls with richer accent colors and integrated parking.

Floor plans

The Transit Area Specific Plan mandates that the Transit Area be developed in such a way as to “[p]rovide a variety of housing types for different types of households, different income levels, different age groups, and different lifestyles.” (Policy 3.4) The TASP notes that this policy envisions “variations in unit size, degree of privacy, distance from ground, materials, amount of parking, image, and cost,” among other things. The project proposes to accommodate this directive by offering units at locations with greater interaction with Capitol Avenue or in quieter locales, such as along Penitencia Creek; giving residents the choice of a ground level home or something elevated higher above the street; and providing units of varying sizes, from studios to 2-bedroom units. The building at 730 E. Capitol provides the following unit types and sizes: 45 studios (514 sq. ft.); 150 1-bedroom units (697 sq. ft.) and 71 2-bedroom units (1,056 sq. ft.). The building at 750 E. Capitol includes: 30 studios (520 sq. ft.); 168 1-bedroom units (709 sq. ft.) and 118 2-bedroom units (1,103 sq. ft.)

Density

On all sites throughout the Transit Area, TASP Policy 3.8 provides that densities can be averaged over an individual project that covers multiple parcels, so long as their average density falls between the designated minimum and maximum. The underlying zoning for this project allows for a range of 385 to 703 dwelling units (41-75 units/acre). The project would provide 562 units, at approximately 62 units per acre.

Required Commercial

Figure 3.1 of the TASP, the Transit Area Plan, calls for ground floor neighborhood retail space on the project site at the building corners facing the intersection of Capitol Avenue and Milpitas Boulevard Extension. The proposed project includes a total of 5,000 square feet of ground floor retail space: 1,800 square feet at 730 E. Capitol and 3,200 square feet at 750 E. Capitol. Page 3-12 of the TASP describes “Active Ground Floor Commercial Uses” as “a minimum of 5,000 square feet of commercial uses is required at the ground floor of building(s) built on the property.”

Landscaping & Open Space Design

Landscaping and Lighting

The project provides a combination of soft and hardscape in both public and private areas, as well as 2.12 acres of public park space along Penitencia Creek. Public and private areas include a variety of landscape and bio-detention features.

Parking

Automobile and Bicycle Parking

Table 3 demonstrates the project's compliance with the parking standards for the zoning district.

Table 3
Project Compliance with Parking

	Number of Units	Minimum Parking Required	Spaces Provided	Bicycle Parking Required	Bicycle Parking Provided
730 E. Capitol				66.5	100
Studio	45	36	36		
1-Bedroom	150	180	180		
2-Bedroom	71	114	114		
Guest		50	50	2.48	3
Retail		6	6	0.29	2
Total	266	385	385	69	105
750 E. Capitol				79	125
Studio	30	24	24		
1-Bedroom	168	202	202		
2-Bedroom	118	189	189		
Guest		62	62	3.11	4
Retail		10	10	0.51	1
Total Spaces	316	487	487	83	130
<i>Total required</i>		872		152	
<i>Total provided</i>			872		235

Swimming Pools

The applicant proposes to include two swimming pools, one at each of the two buildings on the site. These pools would be for the use of project residents and their guests. Milpitas Municipal Code Section VIII-6-5.000, in the absence of an exception, prohibits the construction of new swimming pools in observance of water conservation efforts and requirements. However, Section VIII-6-5.08 provides that the City Council may grant exceptions to this prohibition. No particular findings are required by the ordinance in order to grant such an exception. Given that the proposed swimming pools would serve several hundred individuals and would offer an attractive amenity, the Planning Commission could recommend the City Council grant an exception in this instance. As with other projects that have sought and received such exceptions, a condition of approval requiring the applicant to forebear from filling the pools until a later date could likewise be imposed in order to ensure the availability of water for such purposes.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit (Section XI-10-57-03-1(F))

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The proposed layout of the site and design of the proposed buildings, structures, and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development in that the project meets the density and design requirements of the Transit Area Specific Plan approved by the City Council June 2008, and amended December 2011. Given that the project will be surrounded by other developments that are themselves bound to conform to the Transit Area Specific Plan, the proposed project will necessarily be compatible with its neighbors. This is illustrated in the project's adherence to the layout and circulation aspects of the Trade Zone/Montague subdistrict, as well as its provision of streetscape and landscape improvements along Capitol Avenue, the Milpitas Boulevard Extension, and the new public street connection to the nearby Lennar project. In addition, the project's setbacks meet or exceed the minimum setback requirements set forth in the TASP, particularly along the Penitencia Creek Channel, where a 102 setback is proposed. At roughly 62 dwelling units per acre, the project is within the 41-75 dwelling unit per acre base density standard for the district, and will fit in with surrounding developments built to similar densities. In addition, the proposed 65' maximum height of the buildings is within the 75' limit for the district and will complement other multi-story residential buildings along Capitol Avenue. Residential units are oriented toward major streets, offering a lively and interactive streetscape, and neighborhood serving retail uses on the ground floor of the buildings will attract the foot traffic envisioned by the Transit Area Specific Plan. Residential and retail parking will be provided in garages shielded from street view and do not require any reductions or exceptions. The project

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R5 (Urban Residential) with a Transit-Oriented Development (TOD) Overlay. The proposed residential uses and ground floor commercial uses, are permitted in the zoning district, and in fact, given the project's location within the Transit Area Specific Plan planning area, this mix of uses is in fact required. The project also conforms to the TOD Overlay by providing density of nearly 62 dwelling units per acre, which is within the 41-75 units/acre range envisioned by the TOD Overlay when combined with the R5 Zoning District. The height of the two mixed-use buildings is below the maximum permitted for properties with Capitol Avenue frontage and the 75-foot height allowed by the standards of the TOD Overlay. In addition, the project conforms to the requirement that there be no more than 500 feet between publicly accessible paths of travel for a block, with the longest block dimension between such paths of travel along Capitol Avenue being 473 feet, and the longest such dimension along the Milpitas Boulevard Extension measuring some 410 feet. The project likewise meets the zoning

requirement pertaining to a maximum block size of 4 acres, with the two project blocks being 2.88 acres and 3.55 acres, respectively.

While the Zoning Ordinance does generally prohibit the construction of new swimming pools, Milpitas Municipal Code Section VIII-6-5.08 explicitly grants the City Council the authority to grant an exception to this prohibition. Given that each of the proposed swimming pools will serve hundreds of residents and visitors, staff recommends the Council grant such an exception here.

3. The project is consistent with the Milpitas General Plan.

The project site has a General Plan land use designation of Very High Density Transit Oriented Residential. The intent of this designation is to provide high-density housing at a minimum base density of 41 units per acre, and a maximum density of 75 units per acre within close proximity to transit. The proposed project, offering approximately 62 units per acre, comfortably meets this density requirement, and is situated very near the VTA line and the future BART station. In addition, the General Plan envisions that such properties may include small, local-serving commercial uses on the ground floor level, including retail, restaurants, and personal service uses. The project offers some 5,000 square feet of neighborhood-serving retail that will fulfill this function. The project is consistent with the applicable Land Use Element Guiding Principle and Implementing Policies for the Transit Area as follows:

- *2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

The proposed project is consistent with this policy as it includes two attractive contemporary multi-story structures with 582 residential units in proximity to the VTA line and future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Trade Zone/Montague subdistrict with connections to the BART and Light Rail transportation hubs, as well as nearby networks in the city of San Jose. The project is also designed to provide an active interface with public spaces by facing townhome units toward the project perimeter and includes 2.12 acres of public park space adjacent to Penitencia Creek.

- *2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.*

As discussed above, the proposed project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Plan. The project meets all guidelines and requirements of the Transit Area Plan including building

setbacks and height, floor area ratio and density, parking, open space and landscaping. It also meets the requirements for access and circulation.

4. The project is consistent with the Transit Area Specific Plan.

As described previously in this report, the project is consistent with the applicable density and block size, building height, setback, building location and auto access and parking standards set forth in Tables 5-1 and 5-3 of Chapter 5, Development Standards and Design Guidelines of the Transit Area Specific Plan, as well as the street design cross sections of Figures 5-9 and 5-11 for local streets and the Capitol Avenue-Milpitas Boulevard Intersection, respectively. In addition, the project is consistent with Policies 4.43 through 4.45 that address the Trade Zone-Montague subdistrict of the TASP.

ENVIRONMENTAL REVIEW

The proposed Project is covered under the scope of activities approved under the Transit Area Specific Plan Environmental Impact Report (“EIR”), SCH#2006032091, which was certified by the Milpitas City Council on June 3, 2008. The EIR included a program of activities including construction of up to 7,109 residential units within the Transit Area Specific Plan (“TASP”) area. The proposed 582 dwelling units, 5,000 square feet of commercial space and other associated site improvements, fall within this scope of development activity contemplated in the TASP EIR. An environmental assessment of the proposed project has been prepared to confirm that the proposed project is within the scope of the TASP EIR. The analysis found that the project is consistent with the TASP EIR and confirmed that the project is within the scope of development density considered under the TASP EIR. No new impacts were identified and no new mitigation measures are required. Policies and/or mitigation measures required of projects covered under the TASP EIR are included as Conditions of Approval. Pursuant to Public Resources Code section 21166 and CEQA Guideline 15168(c)(2), the project is exempt from further review under CEQA.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on April 29, 2016. Notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City’s Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

An application for a Site Development Permit may be approved by the Planning Commission. However, the applicant’s proposal to construct roof top swimming pools on both buildings will require City Council approval under the provisions of the City’s water conservation ordinance (Milpitas Municipal Code Section VIII-6-5.08)

CONCLUSION

The proposed project is consistent with the Transit Area Specific Plan in terms of land use and density, and provides a development featuring contemporary styling, appropriately sized and located ground floor commercial and a mix of unit types called for by the Trade Zone/Montague subdistrict and proximity to the VTA and BART lines.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing
2. Adopt Resolution No. 16-018 recommending approval to the City Council of Environmental Assessment No. EA16-0002 and Site Development Permit No. SD15-0014, subject to the attached Conditions of Approval

ATTACHMENTS

A: Resolution No. 16-018/COAs
B: Project Plans
C: Environmental Assessment